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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/600,239

06/19/2003

Kevin T. Ivers

7340 US

6095

30078

7590

10/06/2006

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EXAMINER

YENKE, BRIAN P

ART UNIT

PAPER NUMBER

2622

DATE MAILED: 10/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/600,239

Applicant(s)

IVERS, KEVIN T.

Examiner

BRIAN P. YENKE

Art Unit

2622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on Amendment (11 Aug 06).
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-14 and 18-31 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-7,11-14,18,19,21-24 and 28-31 is/are rejected.
- 7) ☒ Claim(s) 3, 8-10, 20 and 25-27 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments filed 11 Aug 06 have been fully considered but they are not persuasive.

#### ***Applicant's Arguments***

a) Applicant states that Penney does not teach displaying pixels in monochrome, not does Penny teach displaying gamut-erred pixels in a false color.

b) Applicant traversed the examiner's OFFICIAL NOTICE pertaining to timestamping in the gamut correction field to log/account when a video signal encountered an error.

#### ***Examiner's Response***

a) The examiner disagrees. Penney discloses a system which provides single color (luminance and color difference signals) to display modifier 18 and display 20, in the event the input video which is converted from luminance/color difference into RGB pixels which subsequently derives a gamut error signal or not (based upon the predetermined min and max values). Thus if there is no error the pixels are in single color, whereas if there is a gamut error, a correction (i.e. false color) is applied thereby anticipating the claimed invention.

b) Based upon the applicant's traversal, the examiner incorporates/cites, US 20040151469, Engholm et al., which discloses the concept of logging gamut errors with a timestamp (para 0013).

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-2, 4-6, 18-19 and 21-23 are rejected under 35 U.S.C. 102(b) as being anticipated by Penney, US 4,707,727.

In considering claims 1 and 18,

*a) the claimed means for deriving...* is met by the system as shown in Fig 4, where the gamut error is output from the OR gate 16.

*b) the claimed means for generating...* is met by the system (Fig 4) which derives a gamut error (if present) and modifies the incoming video signals which includes the chrominance/luminance components of the signal which is then display via modifier 18/monitor 20.

In considering claims 2 and 19,

*a) the claimed means for generating...* is met by the system which generates a magnitude of the chrominance and luminance components (R-Y, B-Y and Y) via resistive matrix 10 which is compared with a maximum reference signal via comparators 14G, B, R as shown.

In considering claims 4-5 and 21-22

*a) the claimed means for converting...* is met by resistive matrix 10 which converts the Y, B-Y, R-Y signals into GBR form respectively.

*b) the claimed means for comparing...* is met by comparators 14G, B, R and 12G, B, R which compare the component signals with the ref max and min respectively.

In considering claims 6 and 23,

Given the broadest interpretation, Penney discloses capturing the video signal when the gamut error is present or not, meeting the claimed limitation. Although, the claim was amended to recite in response to the gamut error, since Penney discloses altering the input signal (luminance/color difference signals) in response to a gamut error, the error is based upon the captured signal, and the corrected signal is applied to the captured signal, thereby meeting the claimed limitation (i.e. in response to the detection of an error, the incoming signal is captured/corrected for display (notably prior to display)).

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 7 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Penney, US 4,707,727.

In considering claims 7 and 24,

Penney does not explicitly recite “time stamping”. The concept/practice of time stamping in the gamut correction field is used to log/account at what time the video signal encountered an error and thus allows the system to account and correct for this period based upon the time the error occurred, thus the examiner takes “OFFICIAL NOTICE” regarding the

use of such for the advantages as noted above, since the inclusion of time stamping in Penney would have provided the same advantages.

***Allowable Subject Matter***

4. Claims 3, 8-10, 20 and 25-27 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian Yenke whose telephone number is (571)272-7359. The examiner work schedule is Monday-Thursday, 0730-1830 hrs.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's Supervisor, David L. Ometz, can be reached at (571)272-7593.

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

**or faxed to:**

**(571)-273-8300**

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is  
(703)305-HELP.

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(FAX) 703-305-7786

(TDD) 703-305-7785

An automated message system is available 7 days a week, 24 hours a day providing informational responses to frequently asked questions and the ability to order

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For other technical patent information needs, the Patent Assistance Center can be reached through customer service representatives at the above numbers, Monday through Friday (except federal holidays) from 8:30 a.m. to 5:00 p.m. EST/EDT.

The Patent Electronic Business Center (EBC) allows USPTO customers to retrieve data, check the status of pending actions, and submit information and applications. The tools currently available in the Patent EBC are Patent Application Information Retrieval (PAIR) and the Electronic Filing System (EFS).

PAIR (<http://pair.uspto.gov>) provides customers direct secure access to their own patent application status information, as well as to general patent information publicly available. EFS allows customers to electronically file patent application documents securely via the Internet. EFS is a system for submitting new utility patent applications and pre-grant publication submissions in electronic publication-ready form. EFS includes software to help customers prepare submissions in extensible Markup Language (XML) format and to assemble the various parts of the application as an electronic submission package. EFS also allows the submission of Computer Readable Format (CRF) sequence listings for pending biotechnology patent applications, which were filed in paper form.



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A handwritten signature in black ink, appearing to be 'B.P.Y.', written over the printed name.

B.P.Y.

29 September 2006

A large, stylized handwritten signature in black ink, reading 'Brian P. Yenke', written over the printed name.

BRIAN P. YENKE  
PRIMARY EXAMINER